

MAR 30 2011

BY: *J. Dudley, Clerk*  
*J. Dudley, Clerk*  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

JAMES BROOKS, DONALD HAMLETTE, and  
SAMUEL ST. JOHN,

*Plaintiffs,*

v.

HOWARD R. ARTHUR, SR., in his individual  
capacity, and RANDAL W. MITCHELL,

*Defendants.*

CASE NO. 6:08-cv-00028

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court upon Defendants' Motion to Dismiss Complaint of Samuel L. St. John, Deceased, filed on February 25, 2011 (docket no. 56).

For the reasons set forth in the accompanying Memorandum Opinion, Defendants' motion is hereby DENIED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

It is so ORDERED.

ENTERED this 30<sup>th</sup> day of March, 2011.

*Norman K. Moon*  
NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE